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CO-TRUSTEE JEFFREY WINTER

**UNITED STATES BANKRUPTCY COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION**

In re:

LESLIE KLEIN,  
  
Debtor.

CASE NO.: 2:23-bk-10990-SK

Chapter 11

**DECLARATION OF ALEX M.  
WEINGARTEN IN SUPPORT OF JEFFREY  
WINTER'S OPPOSITION TO MOTION OF  
CHAPTER 11 TRUSTEE, FOR ORDER  
ENFORCING THE AUTOMATIC STAY  
AGAINST THE MENLO TRUST AND  
RELATED RELIEF**

*[Filed concurrently with Opposition]*

Date: September 6, 2023  
Time: 9:00 a.m.  
Crt. Rm.: 1575

**WILLKIE FARR & GALLAGHER LLP**  
2029 CENTURY PARK EAST, SUITE 3400  
LOS ANGELES, CA 90067  
310-855-3000

**DECLARATION OF ALEX M. WEINGARTEN**

I, Alex M. Weingarten, declare as follows:

1. I am an attorney licensed to practice before the courts of the State of California and am a partner of Willkie Farr & Gallagher LLP, attorneys of record for Petitioner Jeffrey Winter (“Jeff”), Co-Trustee of the twenty-four irrevocable trusts at issue in this action (“Menlo Trusts”). I have personal knowledge of the facts set forth herein, or know of such facts by reason of my inspection of the records maintained by Willkie Farr & Gallagher LLP in the ordinary course of business, and could and would competently testify thereto if asked to do so.

2. I make this declaration in support of Jeff’s Opposition To Motion Of Chapter 11 Trustee, For Order Enforcing The Automatic Stay Against The Menlo Trust And Related Relief.

3. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the Reporter’s Transcript of the hearing in Los Angeles Superior Court Case No. BP136769 on July 10, 2023.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Second Supplement To Petition For Instructions Regarding Distributions filed in Los Angeles Superior Court Case No. BP136769 on August 15, 2023.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the Third Supplement To Petition For Instructions Regarding Distributions filed in Los Angeles Superior Court Case No. BP136769 on August 25, 2023.

6. On August 18, 2023, at 1:30 p.m., I attended a hearing in the matter of Los Angeles Superior Court Case No. BP136769 before Judge Ana Maria Luna in connection with the Petition For Instructions Regarding Distributions. At the hearing, Judge Luna authorized the sum of \$6,000,000.00 to be released to my client, Jeff, Co-Trustee of the Trust, and Co-Trustee Franklin Menlo, one-fifth of the amount Co-Trustees requested to distribute in the Petition for Instructions (approximately \$30,299,932.00). At the request of Jeffrey Nolan of Pachulski Stang Ziehl & Jones LLP, counsel for bankruptcy trustee Bradley D. Sharp (“Bankruptcy Trustee”), Judge Luna granted a stay on her order regarding the \$6,000,000.00 in distributions until the next status conference in this matter on August 30, 2023 at 1:30 p.m. Attached hereto as **Exhibit 4** is

1 a true and correct copy of the Minute Order issued in Los Angeles Superior Court Case No.  
2 BP136769 on August 18, 2023 re the Petition for Instructions filed on July 28, 2023.

3 7. On August 30, 2023, at 1:30 p.m., I attended a hearing in the matter of Los  
4 Angeles Superior Court Case No. BP136769 before Judge Luna. Nolan was also present. I  
5 personally spoke with Nolan and reiterated to him that Jeff's plan – as explained to Judge Luna  
6 at prior hearings – was to do everything above board with respect to making distributions to the  
7 Trust beneficiaries (*i.e.*, to file the Petition for Instructions in tandem with the Motion for Relief  
8 from Stay) and always to respect the authority of the Bankruptcy Court. I further reiterated to  
9 Nolan that we had always explained to Judge Luna and to the Bankruptcy Trustee that the plan  
10 was to file a petition for instructions *in conjunction* with a motion for relief from stay and that no  
11 action would be taken on the insurance proceeds unless and until both the Superior Court and the  
12 Bankruptcy Court had blessed the proposed distributions. Nolan acknowledged that the Co-  
13 Trustees had previously explained that plan and that the recent filing by the Bankruptcy Trustee  
14 was based on a misunderstanding of the procedural posture of the Superior Court proceedings.  
15 At the hearing, I informed Judge Luna that the Bankruptcy Trustee filed a motion to enforce the  
16 stay on August 28, 2023, and that Jeff was willing to wait for that motion to be heard before  
17 seeking any distributions from the Superior Court. I did not urge Judge Luna to authorize any  
18 distributions at the hearing, and neither did my client. Judge Luna extended the stay on the  
19 August 18, 2023 interim order authorizing distributions until September 11, 2023 – *after* the  
20 hearing on the Bankruptcy Trustee's motion to enforce the stay currently set for September 6,  
21 2023.

22 8. I am aware that the Bankruptcy Trustee's motion to enforce the automatic stay  
23 asserts that the Menlo Trusts failed to cooperate with the Bankruptcy Trustee's request for trust  
24 records. *See, e.g.*, Dkt. No. 303 at 7:10-18. Neither the Bankruptcy Trustee nor his counsel ever  
25 contacted Jeff, me, or my Firm for any reason, including to request documents or information  
26 pertaining to this matter. I raised this issue with Nolan and he acknowledged that no such effort  
27 to communicate with me, my Firm or my client had been made and again apologies for the  
28 miscommunication. I am informed that Donald Saltzman, counsel for the other Co-Trustee,

1 Frank Menlo, has been cooperating with the Bankruptcy Trustee's requests and recently began  
2 sending the documents and information requested.

3 I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true  
4 and correct.

5 Executed on August 31, 2023, at Los Angeles, California.

6  
7 /s/ Alex M. Weingarten

Alex M. Weingarten

WILLKIE FARR & GALLAGHER LLP

2029 CENTURY PARK EAST, SUITE 3400  
LOS ANGELES, CA 90067  
310-855-3000

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
WILLKIE FARR & GALLAGHER LLP, 2029 Century Park East, Suite 3400, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (*specify*): DECLARATION OF ALEX M. WEINGARTEN  
IN SUPPORT OF JEFFREY WINTER'S OPPOSITION TO MOTION OF CHAPTER 11 TRUSTEE, FOR ORDER  
ENFORCING THE AUTOMATIC STAY AGAINST THE MENLO TRUST AND RELATED RELIEF

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 08/31/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED LIST.

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 08/31/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED LIST.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/31/2023 Arkisa Ward  
*Date Printed Name*

/s/ Arkisa Ward  
*Signature*

**SERVICE LIST**

**TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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Los Angeles, CA 90012

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Superior Court of the State of CA  
County of Los Angeles, Dept. 3  
111 North Hill Street  
Los Angeles, CA 90012

United States Trustee (LA)  
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Los Angeles, CA 90017-3560

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Pachulski Stang Ziehl & Jones LLP  
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Los Angeles, CA 90067

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